

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday January 5, 2015

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll call being called, the following answered to their names: Council Members Applys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson

Also present was the following staff: Nala Woodard, Barbara Samel, Patrick Jordan, Cashawna Parker and Heavenly Morris

Council Member Krasher led with the Pledge of Allegiance.

PUBLIC COMMENT

1. Fred Pheiffer, 124 N. Pine Ave (Living Wage)

There being no further speakers, the President declared public comment closed.

CONSIDERATION OF LOCAL LAWS

The local laws on the agenda were held at the request of President pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Public Safety - Chairperson Golby stated that the committee will be meeting on January 13, 2015 at Green Tech High to receive an update from the Citizen Police Review Board CPRB). There will be information on how to make complaints and public comment will be allowed.

CONSIDERATION OF ORDINANCES

Council Member Conti introduced ORDINANCE NUMBER 1.11.15, which was referred to Public Safety Committee:

AN ORDINANCE AMENDING ARTICLE II (TRAFFIC REGULATIONS) OF CHAPTER 359 (VEHICLE AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MARKINGS FOR FIRE HYDRANTS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subparagraph D of Section 359-22 of Article II of the Code of the City of Albany is amended to read as follows:

D. Stop, stand or park a vehicle within 15 feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of emergency, unless a different distance is indicated by official signs,

markings or where parking meters are installed. The Chief of Police shall clearly mark and identify the no parking area adjacent to fire hydrants.

Section 2. This ordinance shall take effect 180 days after enactment.

Council Member Conti introduced ORDINANCE NUMBER 2.11.15, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) IN RELATION TO CERTAIN SPECIAL PERMIT USES WITHIN C-1 NEIGHBORHOOD COMMERCIAL DISTRICTS LOCATED WITHIN THE LARK STREET BUSINESS IMPROVEMENT DISTRICT

The City of Albany, in Common Council convened, does hereby ordain and enact::

Section 1. Section 375-71 of Chapter 375 of the Code of the City of Albany is amended to read as follows:

§ 375-71. C-1 Neighborhood Commercial District

A. Principal permitted uses shall be as follows (NOTE: Except as provided in subsection E, Commercial spaces established after 1993 are limited to the basement and first floor; also, any business in a C-1 Zoning District that is open between the hours of 11:00 p.m. and 6:00 a.m. shall be required to obtain a special use permit.):

- (1) Bakeries, not to exceed 5,000 square feet. (Note: In historic districts, the square-foot maximum is 2,500 square feet.)
- (2) Banks, not to exceed 5,000 square feet. (Note: In historic districts, the square-foot maximum is 2,500 square feet.)
- (3) Charitable or religious institutions.
- (4) Drugstores, not to exceed 5,000 square feet. (Note: In historic districts, the square-foot maximum is 2,500 square feet.)
- (5) Fraternal organizations.
- (6) (Reserved)
- (7) Houses of worship.
- (8) Ice cream and yogurt shops.
- (9) Personal service outlets.
- (10) Restaurants without alcoholic beverages.

(11) Retail outlets, not to exceed 5,000 square feet. (In historic districts, the square foot maximum is 2,500 square feet.)

(12) Residential uses; the minimum size of dwelling units shall be 600 square feet.

(13) Art galleries.

(14) Business services.

B. Accessory uses shall be as follows:

(1) Home occupations.

(2) Solar collection equipment.

C. Special permit uses shall be as follows:

(1) Any business in a C-1 Zoning District that is open between the hours of 11:00 p.m. and 6:00 a.m. shall be required to obtain a special use permit.

(2) Adult day-care.

(3) Automobile service stations.

(4) Day care.

(5) Theaters.

(6) Drive-in banks (Note: Not permitted in Historic Districts.) or ATM windows.

(7) Funeral homes.

(8) (Reserved)

(9) Groceries, not to exceed 5,000 square feet. (Note: In historic districts, the square foot maximum is 2,500 square feet.)

(10) Health clubs.

(11) Indoor recreation.

(12) Offices.

(13) Take-out and delivery restaurants.

(14) Taverns.

(15) Restaurants serving alcohol.

(16) Satellite dish antennas. Editor's Note: Former Subsection C(17), Solar collection equipment, which immediately followed this subsection, was repealed 10-6-2008 by Ord. No. 2.12.08.

D. Yard requirements shall be as follows:

- (1) Minimum lot area: 3,200 square feet.
- (2) Minimum lot width: 40 feet.
- (3) Minimum lot depth: 80 feet.
- (4) Maximum lot coverage: 50%.
- (5) Minimum front and side yards: zero feet.
- (6) Minimum rear yard: 20 feet.
- (7) Maximum building height: 35 feet.
- (8) Maximum front yard setback: 12 feet.

E. Notwithstanding the opening paragraph of subsection A of this section with regard to commercial spaces established after 1993, within the boundaries of the Lark Street Area Business Improvement District, as established in accordance with Article II of Chapter 142 of this Code, the following uses shall be special permit uses for spaces above a basement or first floor:

- (1) Retail outlets, not to exceed 2,500 square feet.
- (2) Art galleries.

Section 2. This ordinance shall take effect thirty (30) days after enactment.

Council Member Conti introduced ORDINANCE NUMBER 3.11.15, which was referred to Law, Building, and Code Enforcement Committee:

AN ORDINANCE AMENDING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ESTABLISHING OCCUPANCY LIMITS FOR OUTDOOR CAFES

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 303-19 of Chapter 303 (sidewalk and outdoor cafes) of the Code of the City of Albany is amended to read as follows:

§ 303-19 Clear paths and occupancy limits

- A. For sidewalk cafes using City property for operation, there shall be a minimum of five (5) feet or fifty percent (50%) of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement, such measurement being made from the outermost point of the cafe to the unobstructed inner edge of the curb, excluding brick or grass carpets, United States mailboxes, fire hydrants, bus shelters, street trees, etc. The actual amount of clearance space needed will be based upon two (2) factors: the

location and the volume of pedestrian traffic. A larger pedestrian right-of-way may be required based on the proposed location and the volume of pedestrian traffic experienced there.

- B. For outdoor cafes the Department of Buildings and Regulatory Compliance shall establish occupancy limits prior to the issuance of a permit under this chapter. Occupancy of an outdoor café shall not exceed the limits determined hereunder. Such occupancy limits shall be clearly indicated on the permit issued for public posting in accordance with § 303-14 of this chapter.

Section 2. This ordinance shall take effect immediately.

Council Member Conti introduced ORDINANCE NUMBER 4.11.15, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO USES WITHIN C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICTS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 71 of Chapter 375 of the Code of the City of Albany is amended by adding a new undesignated opening paragraph to read as follows:

§ 375-71. C-1 Neighborhood Commercial District.

The C-1 Neighborhood Commercial District provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations in the C-1 Zoning District are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation and utilities.

Section 2. This ordinance shall take effect immediately.

Council Member Conti introduced the ORDINANCE NUMBER 5.11.15, which was referred to the Law, Building, and Code Enforcement Committee:

AN ORDINANCE AMENDING PART 4 (RESIDENTIAL OCCUPANCY PERMIT) OF ARTICLE IX (GENERAL PROVISIONS) OF CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SOURCE SEPERATION, COLLECTION AND DELIVERY OF RECYCLABLES IN MULTIRESIDENTIAL COMPLEXES

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection A of section 231-130 of Article IX of Part 4 of Chapter 231 of the Code of the City of Albany is amended by adding a new paragraph (5) to read as follows:

(5) When inspecting a dwelling unit within a multiresidential complex, as defined in section 313-12 of this code, the department shall inspect and certify compliance with provisions of section 313-14 of this code requiring the establishment of solid waste private collection and source separation facilities in such complexes. A residential occupancy permit for a dwelling under this chapter shall not be issued unless the multiresidential complex is in compliance with section 313-14 of the this code.

Section 2. This ordinance shall take effect thirty (30) days after enactment.

Council Member Krasher introduced the ORDINANCE NUMBER 6.11.15, which was referred to Human Resources and Human Rights Committee;

AN ORDINANCE AMENDING SECTION 42-161 (LIVING WAGE STANDARDS) OF PART 10 (BOARD OF CONTRACT AND SUPPLY) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE LIVING WAGE COMPLIANCE COMMITTEE

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection F of Section 42-161 of Part 10 of the Code of the City of Albany shall be amended to read as follows:

F. Compliance committee. A Living Wage Compliance Committee shall consist of six ~~five~~ members, three of whom ~~who~~ shall be appointed by the Mayor and three being appointed by the Common Council with the advice and consent of the Common Council and who shall serve at the pleasure of the Mayor. ~~Members will be appointed for four year terms.~~ Such members may include representatives of organized labor, covered employers, and other groups interested in wages and working conditions. The Committee shall conduct an annual review of the law and make recommendations for changes if so warranted.

Section 2. This ordinance shall take effect immediately

The remaining of ordinances on the agenda were held at the request of President Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member O'Brien introduced RESOLUTION NUMBER 1.11.15R, which was held.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ENTER INTO AN INTER-MUNICIPAL AGREEMENT AMONG THE MEMBERS OF THE ALBANY POOL COMMUNITIES

WHEREAS, the City of Albany is a member of a coalition of municipalities (the "Albany Pool Communities") that entered an Inter-Municipal Agreement to prepare and submit to the New York State Department of Environmental Conservation ("NYSDEC") a Long Term Control Plan ("LTCP") pursuant to the U.S. Environmental Protection Agency's Combined Sewer Overflow (CSO) Control Policy; and

WHEREAS, with project planning and coordination provided by the Capital District Regional Planning Commission (“CDRPC”), and with the assistance of environmental consultants, the Albany Pool Communities prepared an LTCP and submitted it to NYSDEC for approval; and

WHEREAS, in June 2013 the Albany Pool Communities, including the City of Albany, executed a Memorandum of Agreement memorializing the principal terms of, and the communities’ intent to enter, an Inter-Municipal Agreement governing the implementation of the approved LTCP; and

WHEREAS, NYSDEC approved the Albany Pool Communities’ LTCP on January 15, 2014; and

WHEREAS, the Albany Pool Communities, including the City of Albany, entered an administrative Order on Consent (“Consent Order”) with NYSDEC, effective as of January 15, 2014, to resolve violations asserted by NYSDEC and to specify certain terms of the Albany Pool Communities’ implementation of the LTCP; and

WHEREAS, the Consent Order requires the Albany Pool Communities, including the City of Albany, to enter an Inter-Municipal Agreement among the Albany Pool Communities (“APC IMA”) containing all provisions necessary to cooperatively control CSO discharges from the communities’ inter-municipal combined sewer system, including the implementation of the approved LTCP; and

WHEREAS, representatives of the Albany Pool Communities have prepared a draft APC IMA, and NYSDEC has reviewed and accepted the draft APC IMA under the terms of the Consent Order; and

WHEREAS, the City of Albany desires to enter the APC IMA in substantially the same form as the draft prepared by the Albany Pool Communities and reviewed and accepted by NYSDEC, pursuant to the terms of the Consent Order.

NOW, THEREFORE, BE IT RESOLVED, that Mayor of the City of Albany is authorized to take all actions necessary to finalize and execute the Albany Pool Communities Inter-Municipal Agreement.

Council Member Applrys introduced RESOLUTION 2.11.15R, asked for passage and a roll call vote thereon:

RESOLUTION HONORING THE LIFE OF QAZIR SUTHERLAND AND NAMING A PORTION OF SOUTH PEARL STREET IN HIS HONOR

WHEREAS, Qazir Sutherland was born September 2, 2005 to Ptolemy Sutherland and Falonda Haggray; and

WHEREAS, Qazir Sutherland was a beloved son, grandson, brother, nephew and friend who loved other kids and served as an inspiration and leader to his peers; and

WHEREAS, Qazir Sutherland was an overachiever academically, an inquisitive and unique individual who enjoyed dancing, talking and spending time with his family; and

WHEREAS, Qazir Sutherland was recognized as an important member of the Ezra Prentice community; and

WHEREAS, Qazir Sutherland tragically passed from this life on June 16, 2013 when he was accidentally hit by a car on South Pearl Street in front of the Ezra Prentice Homes; and

WHEREAS, Qazir Sutherland is survived by his devoted family, friends and community.

NOW, THEREFORE, BE IT RESOLVED, that in recognition of his life, honorary street signs to read "Qazir Way" shall be placed adjacent to the existing South Pearl Street sign at the intersection of South Pearl Street and Mount Hope Drive and at the intersection of South Pearl Street and Old South Pearl Street.

BE IT FURTHER RESOLVED, that a public street designation recognizing the tragic death of Qazir Sutherland will help to remind both drivers and pedestrians of the need to follow traffic safety guidelines, especially the need to watch out for children.

RESOLVED, that a copy of this resolution, suitably engrossed be transmitted to the family of Qazir Sutherland, with the condolences of the City of Albany.

**Note: Council Member Applyrs and President McLaughlin spoke on this resolution prior to passage.*

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 2.11.15R was co-sponsored by Council Members Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Conti asked and received majority consent to add Resolution Number 3.11.15R to the pending agenda which was approved by unanimous voice vote.

Council Member Herring introduced RESOLUTION NUMBER 3.11.15R (MC), which was referred to the Planning, Economic Board

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF COLLEEN M. RYAN AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, and Section 42-85 of Chapter 42 of the Code of the City of Albany, appointed Colleen M. Ryan as a member of the Historic Resources Commission.

NOW, THEREFORE, BE IT RESOLVED, that Colleen M. Ryan is confirmed as a member of the Historic Resources Commission for an unexpired term ending December 31st, 2016

The remaining of resolutions on the agenda were held at the request of President Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority Leader Herring offered the following, which was approved by unanimous voice vote:

Coonan	Devon	Albany County District Attorney	6 Lodge Street	Albany	12207
Garcia-Pena	Stephanie	Albany County District Attorney	6 Lodge Street	Albany	12207
LaFleur	Vickie	City of Albany Admin Services	City Hall – Room 301	Albany	12207
Asher	Sara	Albany County Probation	60 South Pearl St.	Albany	12207
Birdsall	Jamie	Albany County Probation	60 South Pearl St.	Albany	12207
Brace	Julissa	Albany County Probation	60 South Pearl St.	Albany	12207
Callaghan	Matthew	Albany County Probation	60 South Pearl St.	Albany	12207
Connors	William	Albany County Probation	60 South Pearl St.	Albany	12207
Foro	William	Albany County Probation	60 South Pearl St.	Albany	12207
Fruscio	Daniel	Albany County Probation	60 South Pearl St.	Albany	12207
Harrington	Jonathan	Albany County Probation	60 South Pearl St.	Albany	12207
MacNeil	Craig	Albany County Probation	60 South Pearl St.	Albany	12207
Mactavish	Kirsten	Albany County Probation	60 South Pearl St.	Albany	12207
Mastrangelo	Patricia	Albany County Probation	60 South Pearl St.	Albany	12207
McCann	Jeremy	Albany County Probation	60 South Pearl St.	Albany	12207
Miltner	Bryann	Albany County Probation	60 South Pearl St.	Albany	12207
Parkhurst	Joan	Albany County Probation	60 South Pearl St.	Albany	12207
Postiglione	Christopher	Albany County Probation	60 South Pearl St.	Albany	12207
Starr	Mary	Albany County Probation	60 South Pearl St.	Albany	12207
Ward	Anastasia	Albany County Probation	60 South Pearl St.	Albany	12207
Figliomeni	Carlo	Division of Buildings and Regulatory Compliance	City Hall - Room 303	Albany	12207
Flynn	John J.	Albany Common Council	9 Harding Street	Albany	12208

President McLaughlin discussed African American History Month and using the theme of educators when considering nominees for this years celebration. She discussed that even if they are not in your ward, someone can be selected from around the City.

ADJOURNMENT

Council President McLaughlin stated hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of January 5th, 2015.

HEAVENLY MORRIS, INTERN

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
COMMON COUNCIL